

February 10, 1975



IN THE MATTER OF)
HIMCO WASTE-AWAY SERVICE, INC.)

STIPULATED FINDINGS OF FACT
AND CONSENT AGREEMENT

1. That the Stream Pollution Control Board of the State of Indiana is an agency of the State of Indiana duly empowered to hold administrative hearings to determine whether or not there have been violations of IC 1971, 13-7, and to enter an order requiring the taking of such action as is indicated by the circumstances to cause the abatement of such violations.
2. That the Stream Pollution Control Board has jurisdiction over both the subject matter and the parties to the action.
3. That on July 2, 1974, staff members of the Indiana Stream Pollution Control Board, notified Mr. Charles Himes, Jr., of Himco Waste-Away Service, Inc., by mail that the Himco refuse disposal operation should cease by December 31, 1974.
4. That a second letter, dated December 37, 1974, was sent to Mr. Himes granting an extension until March 1, 1975.
5. That the Himco Waste-Away Service, Inc., waives the right to notice of hearing and hearing before the Stream Pollution Control Board for the purpose of considering whether to approve this Stipulated Findings of Fact and Consent Agreement.
6. That the Himco Waste-Away Service, Inc., owns and operates a refuse disposal operation, hereafter known as Himco refuse disposal operation, consisting of approximately 21.75 acres in a part of the S1/2 of the NE1/4 of Sec. 36, T.38N., R4E., Cleveland Township, Elkhart County, Indiana.
7. That said refuse disposal operation may be in violation of IC 1971, 13-7-4-1(c) and (f), and IC 1971, 19-2-1-3 and 19-2-1-31 in the following particulars:
 - (a) That on or about May 13, 1974, six water wells were determined to have been contaminated, which con-

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tamination may have been caused by leachate generated from the Himco refuse disposal operation,. Himco paid for the deepening of each such well and no reports of further contamination since said date have been received.

(b) That the practice of disposing of certain types of industrial and municipal wastes at the Himco refuse disposal operation has been determined to be a potential hazard in that contamination of the groundwater supply in this area may result due to the particular geological characteristics on site.

(c) That the Himco refuse disposal operation has not been approved by the Stream Pollution Control Board of the State Board of Health for the disposal of refuse.

8. That the efforts of Himco Waste-Away Service, Inc., to find and obtain necessary approvals for a new landfill site have not yet resulted in obtaining a new site for relocation of the Himco refuse disposal operation.
9. There is a substantial need in the Elkhart community for refuse disposal facilities.
10. Himco Waste-Away Service, Inc., should be given a reasonable period of time to effect a relocation of its refuse disposal operation site while continuing the present site in operation under specific restrictions, contingent upon Himco making reasonable and prompt progress toward the acquisition, approval and commencement of operation of a new site.

IT IS RECOMMENDED THAT THE STREAM POLLUTION CONTROL BOARD OF THE STATE OF INDIANA adopt the following consent agreement:

1. That the Himco Waste-Away Service may continue the Himco refuse disposal service operation at its present site until October 1, 1975, in accordance with the following conditions:
 - (a) That no municipal residential refuse, or any other wastes, which include garbage or other highly putrescible wastes, be disposed of on-site.
 - (b) That no hazardous wastes as defined in Chapter II, Section 19, of the Indiana Stream Pollution Control Board Regulation SPC 18 be deposited.
 - (c) That no refuse other than those materials defined by Chapter IX, Section 1, Stream Pollution Control Board Regulation SPC 18, be deposited in wet areas.
 - (d) That all acceptable refuse shall be deposited in a single area and compacted and covered with a minimum of

six inches of soil on the day such refuse is delivered to the site.

(e) That the calcium sulfate waste be deposited only in a dry area.

(f) That any calcium sulphate deposited in a separate area, away from other refuse, shall not be stacked on an interim basis more than six (6) feet above proposed finish grade; no more than two (2) acres of said deposit shall be exposed at any given time; and not less than one (1) foot thickness of impermeable soil shall be applied as a final cover over the calcium sulphate deposit.

(g) That appropriate dust control measures be undertaken to the satisfaction of the Elkhart County Health Unit.

2. That the Himco Waste-Away Service, Inc., report to the Stream Pollution Control Board the following information no later than the dates indicated below:

(a) March 1, 1975 - A plot plan, to include final land surface contours and other information as described in Chapter III, Section 4(d)(iii) of Stream Pollution Control Board Regulation SPC 18.

(b) April 15, 1975 - Submittal of a progress report to indicate three (3) or more potential sites for a new sanitary landfill operation; further to indicate that necessary hauling equipment has been ordered. At this time representatives of the Board will be instructed to perform preliminary site surveys of the reported sites.

(c) May 15, 1975 - Evidence of ownership or purchase options of one or more sites for which sanitary landfill plans are to be submitted.

(d) August 1, 1975 - Evidence of proper zoning for one (1) or more sites discussed in item (c) above.

(e) August 15, 1975 - Complete construction plan permit application for the new sanitary landfill, as discussed in items (c) and (d) above, according to Chapter III, Section 2, Stream Pollution Control Board Regulation SPC 18.

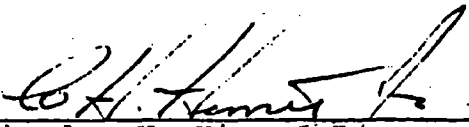
(f) September 25, 1975 - Evidence that necessary additional hauling equipment, if any is required, has been obtained.

3. In the event Himco Waste-Away Service, Inc., exercises due diligence in taking all steps necessary for relocating its refuse disposal operation but shall be delayed by circumstances beyond its reasonable control

(as, for example, if governmental decisions on zoning approval shall require more than normal processing time) the Technical Secretary of the Stream Pollution Control Board shall be authorized to grant such extensions of time for operation of the existing refuse disposal operation as may be necessary to compensate for such unavoidable delays.

4. If this Stipulated Findings of Fact and Consent Agreement is not approved and adopted by the Stream Pollution Control Board, the same shall not be admissible against Himco Waste-Away Service, Inc., in any proceeding.

I have reviewed the above Stipulated Findings of Fact and Consent Agreement and agree to and approve the same.



Charles H. Himes, Jr.
Himco Waste-Away Service, Inc.

I have reviewed the above Stipulated Findings of Fact and Consent Agreement and recommend that the Stream Pollution Control Board adopt the same as its Findings of Fact and Final Agreement.

Roland P. Dove, Director
Division of Sanitary Engineering